



City of Asheville
Boards and Commissions
Manual
Draft 9.22.15

MESSAGE FROM THE MAYOR:

Members of boards and commissions provide an invaluable service to our City. Through the over 30 boards and commissions established by Asheville City Council, citizens can provide input on the policies that shape their government and their city. They advise the City Council on a wide variety of subjects by making recommendations on important policy matters. As services and programs provided by the City continue to grow, boards and commissions play an integral role in providing detailed studies and considered advice to City Council. Boards and Commissions are often catalysts for innovative programs and improved services.

Serving on a board or commission can be a rewarding experience for community service-minded residents. It is an excellent way to participate in the functioning of local government and to make a personal contribution to help shape the future of Asheville. Making local government effective and responsive is everybody's responsibility.

This Boards and Commissions Manual provides information about applying for and being a member of an Asheville Board or Commission. It explains in detail the roles and responsibilities of board members in relationship to Asheville City Council, city staff and the community. Please take advantage of the information provided to be successful as a member of an Asheville Board or Commission.

On behalf of the City Council, I wish to thank each board and commission for their service and extend an invitation to all residents of the City to give serious consideration to serving on a citizens' advisory body.

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Overview of Boards and Commission Manual

- The City of Asheville operates under a council-manager form of government, which is prescribed by its charter. Under the council-manager system, Asheville City Council provides leadership by establishing the city's policies. They are the leaders and policy makers elected to represent the community and to concentrate on policy issues that are responsive to citizens' needs.
- The City of Asheville has over 34 active, standing boards and commissions. Some are advisory in nature to the City Council, while others have distinct responsibilities that are established by law.
- The majority of boards and commissions in the City of Asheville are advisory boards. Advisory boards make recommendations to council. They do not have the authority to make decisions but rather they give advice only.
- Boards and Commissions must ensure all actions are aligned with goals and objectives and adopted plans and policies of the City of Asheville.
- As a member of a board, you represent the City of Asheville. Along with the opportunity to serve the City, comes the requirement that you abide by all of the applicable rules and laws that govern ethical behavior.
- The City Council may appoint a City Council person as liaison to a board or commission. The role of the council liaison shall be to serve as a direct communication link between the City Council and the board or commission, and not to play an active role in the deliberations of the board or commission.
- The city manager designates a City department to provide staff support for each board. The city manager appoints an executive level staff person to serve as the liaison to the board. The department director will appoint an administrative staff person to help the board prepare agendas, post meeting notices, maintain minutes and keep attendance records for board members.
- The board does not supervise or manage staff liaisons and may not direct staff to perform work on behalf of the board. Staff support do not work "for" or "at the direction of" the group they support. The board may make reasonable requests for information or resources they need by contacting the executive liaison.
- An individual commissioner may not represent the commission before the general public unless the City Council has authorized a commission to grant permission to do so to an individual commissioner.
- As a general rule, board and commission members shall vote on all matters before the board or commission unless excused from voting by a majority of the members due to conflict of interest

CITY OF ASHEVILLE VALUES: THE ASHEVILLE WAY



The ASHEVILLE way

Continuous Improvement
Asheville employees are trained professionals who improve service delivery by balancing needs, resources and innovation.

Integrity
Asheville employees demonstrate character with courage, honesty and pride.

Diversity
Asheville employees value and respect a diverse community, workforce and ideas.

Safety and Welfare
Asheville employees value the safety and welfare of our employees and the citizens we serve.

Excellent Service
Asheville employees strive to address needs with courtesy, compassion, timeliness, efficiency and commitment.

*Our Quality of Service,
Your Quality of Life*



OVERVIEW OF LOCAL GOVERNMENT STRUCTURE

Authority to Govern

Cities are creatures of the state – that is, the state authorizes a city to govern through its enabling legislation and dictates the reaches of a city’s authority. North Carolina cities have been given power to govern over only the specific functions where authority has been granted to them by the state. More information on the authority of North Carolina cities can be found in [the NC League of Municipalities online document *How NC Municipalities Work*](#). You can read the state statute on cities and towns in [Chapter 160A of the North Carolina General Statutes, which can be found on the NC General Assembly website](#).

Council-Manager Form of Government

The City of Asheville operates under a council-manager form of government, which is prescribed by its charter. More than 3,400 cities and 371 counties operate under this system, which means more than 89 million American citizens live in communities with this form of government. Since its establishment, the council-manager form has become the most popular form of government in the United States in communities with populations of 5,000 citizens or more.

Under the council-manager system, Asheville City Council provides leadership by establishing the city's policies. They are the leaders and policy makers elected to represent the community and to concentrate on policy issues that are responsive to citizens’ needs.

Asheville City Council has the authority to:

- Determine policy in the fields of planning, traffic, law and order, public works, finance, and recreation;
- Appoint and remove the city manager;
- Adopt the budget, levy taxes, collect revenues, and make appropriations;
- Appoint and remove the city attorney and city clerk;
- Authorize the issuance of bonds by a bond ordinance;
- Appoint members of the city boards, commissions and committees;
- Inquire into the conduct of any office, department, or agency of the city and make investigations into municipal affairs;
- Provide for an independent audit; and
- Provide for the number, titles, qualifications, powers, duties, and compensation of all officers and employees of the city.

Asheville City Council appoints a city manager to achieve the desired end set by the City Council. The manager oversees day-to-day city operations and executes Council established laws and policies. The city manager also ensures the entire community is being served. If the manager is not responsive to the governing body’s directions and guidance, the governing body has the authority to terminate the manager at any time. City Council also appoints the city attorney and the city clerk.

Some responsibilities of the city manager include:

- Work with elected officials as they develop policies. The manager may discuss problems and recommendations, propose new plans, or discuss issues that affect the community and its residents.
- Ensure that laws and policies approved by elected officials are equitably enforced throughout the city.
- Develop recommendations for new programs indicating scope, cost and impact for consideration by City Council.

- Seek feedback from residents and members of the business community to address and solve problems.
- Prepare the annual budget, submits it to elected officials for approval and implements it once approved.
- Supervise department heads, other employees and top appointees.
- Investigate citizen complaints and problems within the administrative organization and recommend changes to elected officials.
- Manage the day-to-day operations of the city.

Not all council-manager governments are structured the same way. In fact, one of the most attractive features is that the council-manager form is adaptable to local conditions and preferences. For example, Asheville City Council members are elected at large while other some city councils are elected by district or by a combination of an at-large and by-district structure.

Fund Accounting

The accounts of the City of Asheville are organized and operated on the basis of funds. A fund is a fiscal and accounting entity with a self-balancing set of accounts comprised of assets, liabilities, fund equity, revenues, and expenses as appropriate. Fund accounting segregates funds according to their intended purpose and is used to aid management in demonstrating compliance with finance-related legal and contractual provisions.

Funds included in the City of Asheville Adopted budget can be grouped into two types: governmental funds and proprietary funds. Governmental funds are those through which most functions of the City are financed. Proprietary funds are used to account for City activities that are similar to those often found in the private sector. Specific City of Asheville funds include:

General Fund

The General Fund is a governmental fund that encompasses most of the City's day-to-day operations, such as police, fire, refuse collection, street maintenance, and parks and recreation. General Fund operations are primarily funded through property tax dollars, but are also supported through sales tax revenue, charges for service, license & permit fees, and investment earnings.

Enterprise Funds

Enterprise Funds are proprietary funds used to account for activities that operate like private businesses, where expenses are primarily financed by revenues derived from user charges. For the City of Asheville, these funds include:

- Transit Services Fund
- Parking Services Fund
- Water Resources Fund
- US Cellular Center Fund
- Stormwater Fund
- Street Cut Utility Fund

Capital Funds

Capital Funds are used to account for capital replacements and improvements. Funding is provided from operations, federal or state grants, or long-term financing and may be annual appropriations or project appropriations. Appropriations are approved through the Capital Improvement Plan process. Capital Funds include:

- General Capital Projects Fund
- Community Development Fund
- Water Major Capital Improvement Fund
- HOME Fund
- US Cellular Center Capital Fund
- Parking Services Capital Fund
- Transit Services Capital Fund

How Funds Interact

City funds interact in a variety of ways. Expenses that occur in one fund are frequently incurred to benefit another fund. When this occurs, the benefiting fund may reimburse the fund providing the goods and services. Examples of such transactions include general government services provided by the General Fund to the Water Resources Fund. Interfund transfers may also result from the exchange of resources between funds to cover operating and capital expenses. For example, the FY 2014-15 budget includes a transfer from the General Fund to the Civic Center Fund to support operations. Transfers between funds result in the budgeting of dollars in both participating funds.

Departments & Divisions

Departments are organizational units that provide a major type of public service, such as fire or police protection. Departments are usually subdivided into one or more divisions. For instance, the police department consists of three divisions: administration, criminal investigations, and patrol. Often within each division there are smaller units responsible for performing specific activities. For example, within the police patrol division is the K-9 patrol team and the anti-crime team.

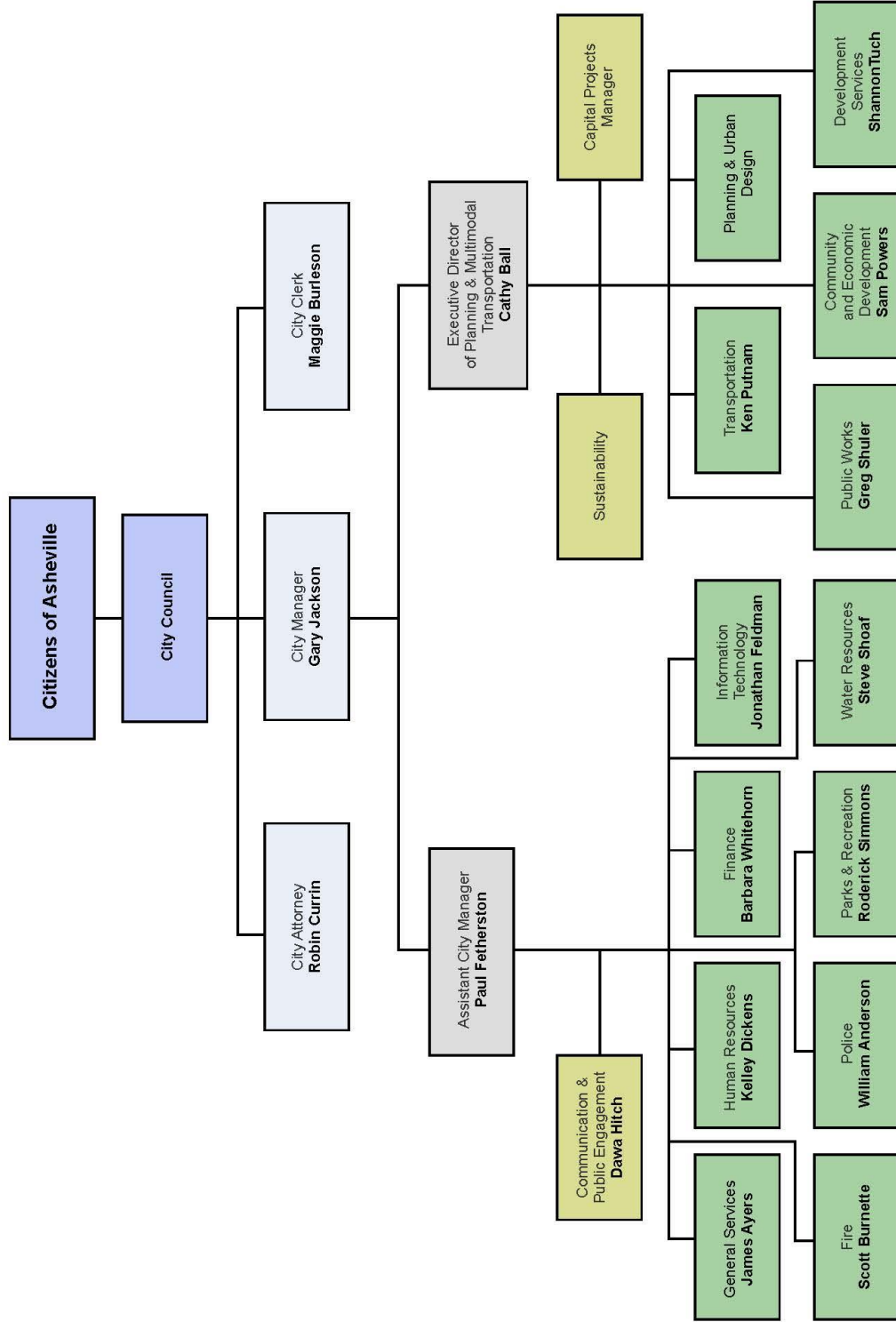
Citizen Participation

Successful examples of citizen participation in the local government decision-making process are widespread among professionally managed communities. Because professional local government management offers government of the people, by the people and for the people, it sets the stage for citizen activism by encouraging open communication between citizens and their government. Because political power is concentrated in the entire governing body rather than one elected official, more citizens have an opportunity to be elected to a position in which they have significant influence over the future of their community.

The city of Asheville values and encourages citizen participation and feedback. The City appoints over 250 members to 34 advisory and/or quasi-judicial bodies. The City regularly holds public hearings and community meetings to gather community input.

Organizational Chart

City of Asheville - Organizational Chart



Overview of City of Asheville Boards and Commissions

Why have boards and commissions?

The City of Asheville has over 34 active, standing boards and commissions. Some are advisory in nature to the City Council, while others have distinct responsibilities that are established by law. Boards and commissions help council set priorities by balancing public interest and providing informed recommendations to council that can influence policy in many ways. As a member of a board or commission you are considered to be a City official; therefore, it is important to gain a full understanding of your roles and responsibilities.

Types of boards and commissions:

Commission activities are varied but generally fall into five categories. Any particular commission may belong to one or more of the types listed below and all boards and commissions act on an advisory level.

The City of Asheville has several different types of boards and commissions.

- 1) Autonomous Boards – These boards are structured under general laws or local acts of the state. They are self governing and function independently of any outside control. They report to the City Council and adhere to policies of the City Council that directly affect board responsibilities.
 - Air Quality Agency
 - Alcoholic Beverage Control Board
 - Asheville City Board of Education
 - Asheville Regional Airport Authority
 - Asheville-Buncombe Community Relations Council
 - Board of Electrical Examiners
 - Housing Authority of the City of Asheville
 - HUB Community Economic Development Alliance
 - Metropolitan Sewerage District Board of Directors
 - Tourism Development Authority
 - Police and Firefighter Disability Review Board
- 2) Quasi – judicial Boards – These boards make findings of fact and conclusions of law in handling appeals that affect provision of the City Code. They are quasi-judicial in that the hearings must comply with due process requirements and the decisions are subject to review in Superior Court. They may also have an advisory role.
 - Board of Adjustment
 - Civil Service Board
 - Historic Resources Commission
 - Noise Ordinance Appeals Board
- 3) Administrative Boards – These boards carry out administrative functions and administer funds for fulfilling the objectives of the organization.
 - Firemen’s Relief Fund, Board of Trustees
 - Crimestoppers, Asheville-Buncombe

4) Decision Making and Advisory – These boards can sometimes make a final decision and sometimes just make recommendations. Unlike pure advisory boards, their review is required in the decision making process.

- Planning and Zoning Commission
- Technical Review Committee

5) Advisory Boards – These boards develop short and long term goals and make recommendations to the City Council. In their advisory capacity, the boards act as important sources of citizen information on a variety of activities that affect the city and residents.

- | | |
|------------------------------------------------------|----------------------------------------|
| • Affordable Housing Advisory Committee | • Multimodal Transportation Commission |
| • African American Heritage Commission | • Neighborhood Advisory Committee |
| • Asheville Area Riverfront Redevelopment Commission | • Public Art and Cultural Commission |
| • Citizens Police Advisory Committee | • Recreation Board |
| • Civic Center Commission | • Sustainable Advisory Committee |
| • Downtown Commission | • Tree Commission |
| • Homeless Initiative Advisory Committee | • Noise Ordinance Appeals Board |
| • Americans with Disabilities Act Compliance | |

The majority of boards and commissions in the City of Asheville are advisory boards. Advisory boards make recommendations to council. They do not have the authority to make decisions but rather they give advice only. Advisory boards are tasked with taking on the issues and concerns of citizens, understanding and exploring possible options and providing feedback and recommendations to council.

How do boards and commissions operate?

- 1) Each board receives its charge from the North Carolina General Statutes and/or from a City ordinance or resolution establishing the board.
- 2) Each board must adopt Rules and Procedures including but not limited to the following:
 - Purpose
 - Meeting schedules and guidelines for posting meetings
 - Membership composition and the election of officers
 - Outline of the duties of each officer

An example of the Rules and Procedures is provided in the Appendix A: Templates

3) The City Council may, from time to time, ask a board to consider specific items not in conflict with existing laws.

4) The chairman, working with the staff liaison, shall post copies of their minutes on the City's website.

5) The City Council may appoint a City Council person as liaison to a board or commission and that member is entitled to receive all agendas, minutes, and other correspondence and be eligible to attend all meetings of the board including closed sessions. The role of the liaison shall be to serve as a direct communication

link between the City Council and the board or commission, and not to play an active role in the deliberations of the board or commission. The liaison shall notify the board or commission of long-range issues and projects under consideration by the Council which would be of interest to that board or commission and shall likewise advise the Council of such matters under consideration by the board or commission.

6) Each board shall provide an annual report to the City Council outlining their activities for the past year. The report shall be posted on the City's website by January 30 for the previous calendar year.

7) An orientation session will be conducted for all new appointees by the City staff liaison.

8) From time to time, additional training sessions for board members may be provided through City staff, the Institute of Government and other training groups and organizations. The City Council encourages members to take advantage of these opportunities.

9) No board or commission member who is not present at a meeting shall be allowed to vote by proxy.

10) The board will comply with open meeting laws, including notice of meetings.

11) The board is to provide the City Clerk with their schedule of regular meetings with the predetermined time and place. The schedule will be revised only in accordance with legal requirements for notice. Any deviation from a regularly scheduled or special meeting must be reported to the City Clerk.

12) In order to conduct official business at a regular or special meeting, a quorum of the board must be present. In the absence of a rule, by-law, or statute providing otherwise, a quorum is more than half of the members of the board, not counting vacant seats. If a quorum is not present at any meeting, the chairperson will postpone the meeting until such time as a quorum can be present, provided adequate notice is given pursuant to the open meetings law.

PLANNING AND BUDGETING

Planning:

The City of Asheville has transformed dramatically over the years. Asheville's position as a regional hub has brought challenges and opportunities as city leaders seek to accommodate demands for economic development, city services, improved infrastructure, and public facilities to support a growing and diverse regional population. Meeting these challenges requires planning, prioritizing, collaboration and innovative solutions. This commitment requires a comprehensive planning process that aligns our financial system to short, medium and long range plans so that citizens continue to receive high quality city services. It also requires committed community engagement and dedication from members of the city boards and commission.

Comprehensive planning is an inclusive approach of addressing future growth. It focuses simultaneously on the present and the future. The comprehensive planning process helps to tie the efforts of the city, the council, departments, and employees into a unified inventory of plans designed to accomplish the specific purpose of supporting the city's overall mission.

The city council reviews and/or revises their priorities each year at the annual strategic planning retreat held each year in January or February. These priorities are always aligned with the city's overall mission. The City Council Strategic Operating Plan 2014-15 can be found here, <http://www.ashevilenc.gov/Portals/0/city-documents/communityrelations/Asheville-Strategic-Plan2014-print.pdf>

The City of Asheville's comprehensive plan, the City 2025 Plan, was adopted in 2002 after an extensive public input process. The 2025 Plan proposes a land use pattern, transportation network and system of city services and infrastructure that reflects the community's goals for growth as they were identified and documented throughout 2001-2002. The 2025 plan was designed to be implemented by more specific plans and action items considered by City Council, city staff, or other boards and commissions over time. It is intended to be implemented over time and updated to fit our needs as we change. The city of Asheville's current portfolio of active strategic master plans includes 16 different plans focusing on areas including development and land use, river redevelopment, affordable housing, transportation, parks, sustainability, and homelessness, among others.

Each department develops 2 year work plans, identifying through its mission and goals how it contributes to the overall mission of the City of Asheville.

Through the process of comprehensive planning, every level is striving to achieve the mission of delivering an excellent quality of service to enhance quality of life in Asheville. Results achieved at any level in a department contribute to the achievements at the next highest level. Each level builds on each other to reach the council priorities and the City's mission.

Budgeting:

The City of Asheville adopts its annual operating budget in accordance with North Carolina General Statutes (N.C.G.S. 159 – Local Government Budget and Fiscal Control Act). These statutes require that City Council adopt a balanced budget in which estimated revenues and appropriated fund balances equal expenditures. The City Manager must submit a balanced budget proposal to the City Council by June 1 of each year, and City Council must adopt the Budget Ordinance by July 1. A formal public hearing is

required to obtain taxpayer comment before City Council adopts the budget. By state law, the fiscal year begins on July 1 and ends on June 30.

In order to meet these requirements the city must have a dynamic and comprehensive budgeting process. Budget preparation affords departments the opportunity to reassess their goals and objectives and the strategies for accomplishing them. Even though the budget may be heard by City Council in May and adopted in June, its preparation begins at least six months prior. The process begins with the Budget Office preparing revenue and expenditure projections. These projections serve as the framework for financial decision making during the City's annual strategic planning and budgeting process. Departments begin developing their budget requests in January. During this phase, departments are encouraged to thoroughly review all programs and services assessing their "value" and priority to the citizens of Asheville.

Linking important objectives with necessary resources requires a process that identifies key goals at the very beginning of budget preparation. The annual strategic planning process begins with the City Council Retreat in late January, at which time Council identifies its goals and priorities for the upcoming fiscal year. The Council's directives set the tone for the development of the annual budget.

City staff's careful fiscal management and ongoing efforts to reengineer in order to provide the highest level of service for the lowest cost is allowing management to entertain strategic goals beyond the maintenance of core services. Each year, City staff has plans, prioritizes and collaborates to ensure that the budget for each fiscal year is sustainable.

Board and commission members participate in this process by monitoring organizational performance related to the work of their board, participating in public hearings and reporting board and commission priorities to council.

BECOMING A MEMBER

Purpose of Citizen Participation

The City of Asheville provides for continuous citizen input and advice through a wide variety of boards and commissions. Some of these are advisory in nature to the City Council, while others have distinct responsibilities that are established by law. The City Council encourages citizens to participate in their City government by volunteering to serve on these boards and commissions.

Application for Appointment

- 1) A description of all City boards is contained in “The Talent Scout”. This document is available in the City Clerk’s Office and is distributed widely in the community and on the City’s webpage. A brief application form stating the citizen’s interest in serving on a board is a part of “The Talent Scout” and must be submitted to the City Clerk.
- 2) An application and/or resume is required for consideration of an appointment to a City board.
- 3) In most cases, the City Council will require an interview process prior to appointment.
- 4) All appointments are made in an open session of the City Council. Discussion and consideration of appointments and interviews are also held in open session.
- 5) Once an application for an appointment has been filed with the City Clerk, it is placed on a resource list and remains active for a one-year period. At the end of that period of time, you will be contacted by the City Clerk’s Office to see if you wish to seek other opportunities to support your participation on our boards.
- 6) Applicants are strongly urged to attend several meetings of a board prior to applying and/or appointment to a board.

Qualifications

- 1) Appointees to boards and commissions shall be residents of the City of Asheville, unless otherwise specified or provided for by law, ordinance, or Council action establishing said board or commission, or in the rules or by laws of said board or commission, if approved by Council.
- 2) In matters where an intergovernmental board has independent governing authority (by law, by agreement, or other enabling authority), and where not prohibited by law, at least one of the City’s appointees shall be a current member of the City Council. Such an appointment allows Council to be a part of deliberation and decision-making on matters of regional importance that impact the City of Asheville.
- 3) No citizen shall be eligible to hold concurrently more than two Mayoral or City Council appointments to standing boards or commissions; this limitation shall not apply to ad hoc committees appointed by the Council.
- 4) Efforts are made to represent the diversity that we have in our community on all boards, and criteria for appointments may be established to achieve appropriate diversity, except that preference shall be given to appointment of residents of a specific area of town for which an ad hoc or advisory committee may be appointed.

5) An oath of office (or affirmation) is required for some boards and commissions. Where applicable, newly appointed board members will take and sign an oath of office or affirmation following their appointment.

If a board member enters on the duties of his or her office before taking, subscribing and filing the oath of office, he or she may be removed from office.

Terms

1) The term of service on most City boards are three years, unless otherwise provided by law.

2) The length of service on all boards and commissions shall be limited to two full successive terms (plus any unexpired term to which a member is appointed).

3) A member shall serve until the expiration of their term or until such time as a successor is appointed, whichever occurs later, unless otherwise provided by law.

4) The City Council Boards & Commissions Committee may request that a member in good standing be allowed to serve out their term should they become a non-city resident.

5) Reappointment to a second term is not automatic and will be based on circumstances to be determined by the City Council in each individual case.

RESPONSIBILITIES FOR BOARD MEMBERS

Attendance

- 1) Appointees to boards and commissions are expected to attend all meetings possible.
- 2) Any appointee who fails to attend at least 75% of the regularly scheduled meetings of a board or commission within a twelve (12) month period, may be removed.
- 3) The board chairman or staff liaison shall be responsible for reporting on attendance to the City Clerk upon request.
- 4) Attendance provisions are not imposed upon Council liaison members but are in effect for Councilmen serving as appointed regular members on a board or commission.

Committee on Boards and Commissions

- 1) The Mayor may appoint a committee of City Council, with the Vice-Chair as Chairman, to evaluate the on-going need for each board and recommend to the City Council elimination of any for which there is no longer a need. This committee may also consider other items in regard to board structure, appointments or other items at the request of the Mayor and/or the City Council.

Conflict of Interest

- 1) No member of a board shall participate in the discussion or vote on any item involving their own official conduct or financial interest.
- 2) It is the responsibility of an individual board member to bring to the attention of the entire board any item for which there may be a conflict of interest.
- 3) It is up to the entire board to decide if a conflict exists and vote to excuse a member from considering a particular item.
- 3) Staff and legal assistance is available to all boards and commissions to help the board with decisions in this area.

Several boards and commissions have additional provisions regarding what constitutes a conflict of interest

Resignations and Replacements

- 1) Any member of a board or commission who desires to resign shall do so in writing to the City Clerk.
- 2) Unless otherwise provided by law, ordinance or resolution, all appointment by the City Council to a board or commission serve at the pleasure of Council, and may be removed from a board or commission at the discretion of Council.
- 3) For those boards and commissions whose members may be removed for cause, cause shall include, without limitation, the following: conflict of interest, failure to attend meetings.

Ad Hoc Committees

- 1) The City Council may appoint ad hoc committees to make recommendations regarding particular matters of interest within the City.
- 2) The foregoing rules on boards and commissions shall apply to ad hoc committees except where alternate provisions are made by the Council.

Inclement Weather

- 1) If the Asheville City Schools are cancelled, then any board/commission meeting scheduled for that day will be cancelled.
- 2) The chairman of the board/commission will have the discretion of cancelling a meeting in the event of safety concerns when the Asheville City Schools have delayed starts.
- 3) In the event of inclement weather, the Chairs of the respective City Council Committees (Housing & Community Development Committee; Planning & Economic Development Committee; Public Safety Committee; Finance Committee; and Boards & Commissions Committee) will have the discretion whether or not the meeting is held that day.

ROLE OF THE BOARD AND BOARD MEMBERS

Roles and Responsibilities the Board, Board Members and Asheville City Staff Support

As a member of a board, you represent the City of Asheville. Along with the opportunity to serve the City, comes the requirement that you abide by all of the applicable rules and laws that govern ethical behavior. Briefly this means you need to be aware of and avoid conflicts of interest. You may not solicit or accept gifts and you may not use City facilities, personnel, equipment, or supplies for private purposes. More detailed information on the City's Code of Ethics, Standard Code of Conduct and Conflict of Interest is provided in other sections of this workbook.

Role of the Chair:

The chairperson, or in her/his absence, the vice chairperson, performs the following duties:

- Presides at all meetings of the commission and ensures that the work of the commission is accomplished. To this end the chairperson must exert sufficient control of the meeting to eliminate irrelevant, repetitious or otherwise unproductive discussion. At the same time the chairperson must ensure that all viewpoints are heard and are considered in a fair and impartial manner. The Chair cannot make rules related to the conduct of meetings or commission procedure without approval of the full commission.
- Appoints commission members to temporary subcommittees and informal bodies subject to the approval of the full commission.
- Approves the agenda prior to distribution. This is limited to the structure and order of the agenda and does not grant the Chair the authority to remove items submitted by commissioners or staff.
- Signs correspondence on behalf of the commission.
- Represents the commission before the City Council with the formal approval of the commission by motion and vote.
- Approves commission reports to Council.
- The Chair or a quorum of the commission may call a special meeting. The Chair may also cancel a regular meeting.
- Performs other duties necessary or customary to the office.

Role of the Staff Support:

The city manager designates a City department to provide staff support for each board. The city manager appoints an executive level staff person to serve as the liaison to the board. The executive liaison ensures the board complies with deadlines and code provisions, monitors the conflict of interest declarations to ensure the rules are followed and helps the chair keep the board functioning within their mission statement. The department director will appoint an administrative staff person to help the board prepare agendas, post meeting notices, maintain minutes and keep attendance records for board members. Staff liaisons and staff support are City of Asheville employees with significant staff responsibilities that relate to the same work area as the advisory board to which they have been assigned. They do not work "for" or "at the direction of" the group they support. The board does not supervise or manage staff liaisons and may not direct staff to perform work on behalf of the board. The board may make reasonable requests for information or resources they need by contacting the executive liaison.

Staff Liaison's responsibilities include:

- Development of meeting agenda and information packets with Chair of the board or commission.
- Facilitate, not participate
- Act as a resource on city policies, procedures and information

- Manage function of writing and posting action minutes from board and commission meetings with staff support designee
- Ensure that federal and North Carolina laws as well as city policies pertaining to the advisory board are met.

What makes an effective board or commission?

There are a few things you can do to make sure that your board or commission is strong and effective and that it has successful meetings. A successful meeting involves effective communication between individuals or groups. Good meeting planning and good facilitation skills are needed. Here are a few pointers to conducting a successful meeting.

- Keep the meeting under control. The board chair and board members are responsible for making sure the meeting is conducted in an orderly manner. To do this, follow a set meeting procedure and explain the procedure to those present at the beginning of the meeting.
- Act promptly. Follow the published agenda and make decisions in a timely manner to ensure due process.
- Stay focused. Do not get bogged down in details or constant requests for more information. Bring issues to a consensus.
- Determine if the issues were clearly defined and fully addressed. Make sure you have enough information to reach a decision. You can do this by keeping an open mind, hearing all the testimony or information before discussing the pros and cons of an item, remaining focused on the facts, listening carefully before making or announcing a decision and avoid making the discussion personal.
- Ensure the board's action is aligned with goals and objectives and adopted plans and policies of the City of Asheville.
- Do your homework. Read and review your agenda and spend as much time as necessary to become thoroughly familiar with each matter. If you need more information, ask the staff. If you need to make a site visit for a better understanding – Go. The key is to know the facts so you can make an informed decision.
- Think about whether you have a conflict of interest with any item on the agenda. If so, recuse yourself. If you are unsure, consult with city staff or the city legal department.
- Be professional. Do not mingle with friends, acquaintances, applicants or objectors in the audience before the meeting or during a recess as this can create the impression of bias, dishonesty or conflict.
- Be polite and impartial. Assist those who are not familiar with the protocol.
- Be attentive to those who are presenting their point of view. This is an important issue to them and their voice must be heard.
- Follow the bylaws, policies and procedures for your board or commission and above all, be on time. Arrange your schedule to be at the meeting on time. This will ensure that a quorum is present and the business of the meeting can proceed. As soon as a quorum is in the room, the meeting should be called to order.
- Follow the rules in the City Code and in the board's bylaws. The rules provide that each person and board member attending a meeting should observe decorum.

There are many ways you can have a successful board or commission. These are just a few. Think about your actions, how you present yourself and how you represent the city. These things make an impression on your board or commission and its effectiveness.

You have been appointed to help the council make good decisions for the citizens of Asheville. As a public official, there are certain responsibilities you must undertake and rules you need to know and abide by. This

module has covered the essential aspects of being a member of a board or commission and will help you be an effective member.

Internal Review Process

To ensure that boards and commissions are functioning efficiently and effectively, a review process is in place. The steps for this process are outlined below:

- Prior to January 30 of each year, the chair should prepare a report listing the mission statement, a description of actions taken to support the mission during the previous year and the goals for the upcoming year. While staff can assist in this process, it is the work of the board or commission chair to provide the final draft of the report for review.
- The report should be approved by the board and submitted to the city clerk (by January 30th annually) who will collate the reports and provide to the city council.
- City Council will review these reports. If there are problems, council will take appropriate action.

Relations with Other Commissions, Outside Agencies and the General Public

Other Commissions

There are enormous benefits when commissions work together on projects or research. Besides the advantages of time and energy savings, commission work can reflect a more accurate blend of community sentiment when efforts are made to coordinate in order to deal with overlapping subject matter. When one commission recommends an action to the Mayor and Council relating to a sphere of interest of another commission, the other involved commissions are notified and given an opportunity to comment before any reports are forwarded to Council. Referrals for information or review of proposals from one commission to another are transmitted through the respective secretaries of each commission.

In order to develop a useful liaison between commissions, each commission should determine which other bodies regularly deal with overlapping subject matter. Commissions which regularly overlap on each other's activities should request agenda, minutes and relevant reports from each other. Commissions which do not ordinarily relate need not routinely communicate with each other, but where an issue arises which is of concern to both, the two commissions should review the issue with each other before submitting a report to Council.

Outside Agencies

Unless specifically authorized by the Council, commissions may not represent policy to outside agencies either on their own behalf or on behalf of the City. Commissions function in an advisory capacity and in the absence of an explicit delegation of the role to act on the City's behalf by the Council on a particular issue, they may not directly communicate with outside agencies. If a commission wishes to support or object to a particular policy or program it should frame its action as a motion and a recommendation to the City Council on whose behalf the letter will actually be sent. Action by Council on such a commission request would be in the form of a letter. However, should a resolution be requested of Council, such resolution would be attached to the Council report (in the proper format), ready for Council action. If a request for an official policy statement is received from an outside jurisdiction, the commission should analyze and study the request. It could then make a recommendation to the Council for a response. All communications from outside agencies are transmitted through the staff secretary.

Furthermore, commissions may not take any action such as endorsing grant applications, receiving donations and gifts, sponsoring community events, or approving use of City property, facilities or other resources, which commits or indicates an intention to commit the City without authorization by the Council and coordination with the City Manager.

The commission may not act as a sponsor of or participate in (such as having an information booth) community events without the authorization of the City Council. This prohibition includes the use of the City logo or seal in conjunction with community events. Use of the City logo is restricted to communications generated from a City department. The logo may not be used for other purposes. The City of Asheville does not provide business cards for members of appointed boards and commissions.

Commissions cannot have a joint meeting or joint event with an outside agency (public or private) for the purpose of conducting commission business. If a dialog with the outside agency is desired, the commission may invite the entity to make a presentation and field questions at a regular commission meeting.

General Public

The purpose of commission meetings is to permit open discussion on specific topics in a setting that is more informal than a Council meeting, to hear public expression on issues and to inform the public of what the commission is doing. Commissioners have the obligation to consider the welfare of the entire City, to be fair, objective and courteous, and to afford due process to all who come before them.

Public opinion must be sought but no commissioner should permit his/her judgment to become subservient to the criticism of those citizens attending the meetings. In order to conduct its business, the commission has the authority to limit discussion and public participation on any subject.

All communications from the commission to members of the public are transmitted through the commission secretary or designee. Similarly, arriving communications are received and relayed to the commission through the agenda packet. The designee is responsible for including all communications received in the agenda packet according to publication deadlines. Official responses to citizen inquiries must be approved by the full commission and sent via the secretary. The roster of commission members is a public document available in the Office of the City Clerk. The roster includes the name, residential or mailing address and either a home or business phone number of each commissioner. Commissioners may interact with the public; however, if commissioners are contacted by the public outside a meeting, commissioners should encourage citizens to send their comments to the designee for distribution to all commissioners or come to a meeting and speak at public comment. This will allow the full commission to hear and consider all pertinent information and points of view.

Individual Commissioners

An individual commissioner may not represent the commission before the general public unless the City Council has authorized a commission to grant permission to do so to an individual commissioner (A commission may authorize one of its members to appear before another City commission without Council approval). When an individual commissioner is appearing in a private capacity before other commissions, outside agencies, the media, or the general public, the commissioner must clearly indicate that she/he is speaking as a private individual, not as an official representative. Official City stationery may be used only for official commission correspondence such as memos authored by the secretary or a commission-approved letter to the City Council.

Each commissioner also has the obligation to work cooperatively with other commissioners. Commissioners should exercise self-discipline and strive always to be objective, fair and courteous with each other as well as with staff and the public. A healthy respect for the time of other commissioners, staff and the public is of critical importance.

Press and Other Media

For notices of meetings and agendas the city clerk should routinely send these items to the media. Copies should also be sent to the City Manager's Office. The designee shall post the agendas and approved minutes on the web and send the approved minutes to the City Clerk for indexing into Records Online.

ETHICS FOR BOARDS AND COMMISSIONS

Conflict of Interest

Board members shall follow conflict of interest rules as listed in the board bylaws or rules of procedure. If the bylaws are silent on this subject, the following rules shall apply:

- 1) No member of a board shall participate in the discussion or vote on any item involving their own official conduct or financial interest.
- 2) It is the responsibility of an individual board member to bring to the attention of the entire board any item for which there may be a conflict of interest.
- 3) It is up to the entire board to decide if a conflict exists and vote to excuse a member from considering a particular item.
- 4) Staff and legal assistance is available to all boards and commissions to help the board with decisions in this area.

“Conflict of Interest” under City/Commission Rules

N.C.G.S. 160A-381(d): under this statute, conflict means a **“direct, substantial, readily identifiable financial impact”**

In cases where a project or application is before the Commission for recommendation and a Commission member **has an interest in the matter within the meaning of N.C.G.S. 160A-381(d), the member shall be excused from the Commission for that item, shall remove him or herself from the Commission dais or table, and may not participate as a Commission member in the deliberation or vote on that item.** The excused member may participate in the presentation of the item in his or her capacity as applicant or applicant’s representative, or as a member of the public.

“Conflict of Interest” under State Law

State law defines an interest as a conflict if:

- It relates to members own **financial interest** or **official conduct** (NCGS160A-75 [City Council Voting])
- it creates a **direct, substantial and readily identifiable financial impact** on member (NCGS 160A-381(d)) [City Council Voting on Zoning Matters]
- If quasi-judicial decision, state law defines an interest as a conflict if:
 - **member has a fixed opinion** prior to hearing the matter that is **not susceptible to change**
 - member has **undisclosed ex parte communications**
 - member has a **close familial, business, or other associational relationship** with an affected person, OR
 - member has a **financial interest** in the outcome of the matter (NCGS 160A-388(e)(2) [Board of Adjustment Voting])

A member **shall not use or disclose non-public information gained in the course of, or by reason of, the member's official responsibilities in a way that would affect a personal financial interest of the member or any other person.**

Voting and Recusal

As a general rule, board and commission members shall vote on all matters before the board or commission unless excused from voting by a majority of the members due to conflict of interest

No Commission member shall take part in the consideration or determination of any matter or proposal in which he/she is **personally or financially involved or which creates any other form of conflict of interest.** Such members of the Commission shall be excused from voting due to the conflict of interest by a majority of Commission members present. After being excused from voting, said Commission member may participate in the hearing or presentation of any matter or proposal from which he/she has been excused from voting as a Commission member.

Considerations When "Conflict" is Not Clear

- **Duty to vote**-In general, board member or commissioner should vote unless clearly prohibited by conflict
- **Disclosure**-Let other members decide if rises to level of conflict
- **Is board member/commissioner able to make a fair and impartial decision?**

You are encouraged to follow City Council's Code of Ethics, available at http://www.ashevillenc.gov/Portals/0/city-documents/cityclerk/mayor_and_citycouncil/CityCouncilEthicsPolicy.pdf.